

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

14-MD-2543 (JMF)

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This document relates to all actions

Weller, Green, Toups & Terrell, L.L.P./Mitchell A. Toups' Submission in Support of its
Appointment to Plaintiffs' Executive Committee

BACKGROUND

Pursuant to the June 28, 2014, Order in this Action (the "Order"), the law firm of Weller, Green, Toups & Terrell/Mitchell A. Toups ("WGTT/MAT"), on behalf of plaintiffs in *Brittany Childre v. General Motors, LLC* (originally filed in the Eastern District of Louisiana); *Kevin Holliday v. General Motors, LLC* (originally filed in the Eastern District of Texas); *Vickie Smith v. General Motors, LLC* (originally filed in the Northern District of Mississippi); and *Aletha Stafford-Chapman v. General Motors, LLC* (originally filed in the Southern District of Ohio); and respectfully requests that it be appointed to the Plaintiffs' Executive Committee.

ARGUMENT

1. WGTT/MAT IS WELL-QUALIFIED TO SERVE ON THE PLAINTIFFS' EXECUTIVE COMMITTEE

In the Order, the Court noted that it would consider the following criteria, among other things in appointing counsel to the leadership positions: (1) knowledge and experience in prosecuting complex litigation, including MDLs and class actions; (2) willingness and ability to commit to a time-consuming process; (3) willingness and ability to work cooperatively with others; (4) access to resources to prosecute the litigation in a timely manner; (5) the work counsel has

done in identifying, investigating, or prosecuting potential claims in the action; (6) counsel's knowledge of applicable law; and (7) geographic diversity. While many firms that have filed an action in this Litigation will undoubtedly meet these criteria, WGT/MAT respectfully asserts that it is especially well qualified to be one of the firms to lead this Litigation.

A. WGT/MAT's Expertise in Complex Civil Litigation

For over 31 years, MAT has litigated some of the nation's most complex class cases and has recovered hundreds of millions of dollars in damages for injured plaintiffs. Some of the cases include the following:

Jowers v TransUnion – US District Court, Northern District of Illinois

Jowers v TransUnion – Co-Counsel herein is one of the counsel for the class in a nationwide class action in the Northern District of Illinois regarding an FCRA case against credit reporting agency TransUnion for failure to confidential consumer credit information has been sold, leased and/or improperly disclosed by TransUnion in the form of target marketing lists. The case settled for \$75 Million and additional relief making the settlement in excess of \$100 Million. This is the largest FCRA settlement in U.S. history.

Cook vs. Colonial - Lead Counsel for 5,000 Plaintiffs

Cook was a consolidation of 9,000 Plaintiffs pending in the State Court of Jefferson County, Texas regarding the pipeline ruptures in Houston, Texas, in 1994. Class allegations were involved in this case. The case was settled for a confidential amount. This was one of the largest ruptures and leaks of two of the nation's most important pipelines of fuel, oil and gasoline.

Albright v. Aeroquip - Lead Counsel for All Plaintiffs (approximately 100)

Albright was a consolidation of cases in State Court in Jefferson County, Texas with over 100 Plaintiffs and Decedents regarding the Imperial Food Fire in North Carolina where 25 people died and 80 others were injured. This case involved over 40 defendants. Class allegations were involved in this case although the case was settled for a confidential amount as a mass tort. The Imperial Food Fire was one of the worst in American history.

VITEK TMJ LITIGATION - Lead Counsel for ~700 Plaintiffs Individually & Co-Lead Class Counsel

TMJ Litigation - This litigation involves over 10 years of action in State and Federal Court in Texas and Louisiana. Part of the cause of action includes the Methodist Hospital National Class Action which settled in Federal District Court for the Southern District of Texas, Houston Division. The other part of the litigation involves class actions in Louisiana and over 700 individual cases filed in the State of Louisiana and Texas. Over \$100 Million in settlements were achieved in the Class Action and individual cases.

Wesley v. Colonial - Co-Lead Counsel

Wesley v. Colonial - This national class action was pending in the United States District Court for the Middle District of Alabama, Northern Division. This case is settled for all property owners in thirteen (13) states which the Colonial Pipeline traverses. The settlements involved approximately \$500 Million to be spent over 10 years in improvements to the pipeline nationwide to bring the pipeline up to current DOT Guidelines. Mr. Toups was class counsel that oversaw the implementation of the program each year for ten years by reviewing the Colonial's plan of action.

HCA National Class Action – PSC and Co-Lead Counsel

HCA National Class Action - This action was pending in the United States District Court for the Middle District of Tennessee, Nashville Division. This case involved health care fraud and was settled by the U.S. Government for more than \$1 Billion.

In re Hyundai - Co-Lead Counsel

In re Hyundai - This is a consumer class involving approximately 2 Million automobile owners whose horsepower was misrepresented over a period of ten years. This case involves 17 state class actions. The case settled and was valued at approximately \$110 Million.

King v City of Austin, Texas - Co-Lead Counsel

King v City of Austin, Texas - This class was certified as a litigation class for 900 police officers for back pay owed to them and a Summary Judgment was entered on both liability and damages for the Plaintiffs. The case was settled with the City repaying all back pay and attorneys' fees.

In re: Mass Mutual (Santa Fe, New Mexico) - Co-Lead Counsel of Objector Group

In re: Mass Mutual - This class was attempted to be settled for no compensation to the class and \$10 Million in attorney's fees to class counsel. After objections were made, the case settled for more than \$180 Million in cash to the class.

Ford EMS Litigation – US District Court, Eastern District of Texas

Williams A. Ambulance v Ford - Co-Lead Counsel for the class in a nationwide class action in the Eastern District of Texas involving ambulance owners with 6.0L diesel engines for breach of warranty on the engines. The case settled and valued at approximately \$40 Million for more than 20,000 ambulances nationally.

Ford/Navistar Litigation – Ford 6.0L Diesel Engine Litigation

Ford/Navistar Litigation – Co-Lead Class Counsel in a nationwide class action for approximately 700,000 truck owners. The case settled with an estimated value by Plaintiffs' Counsel of more than \$400 Million.

B. The quality and Depth of WGTT/MAT's Litigation Team in this Case will Serve The Best Interest of the Class

WGTT/MAT is co-counsel with The Dugan Firm ("Dugan") and has filed four class cases as stated above and represents more than 161 families including 29 death cases and 84 severe injury cases. WGTT/MAT is one of the top litigation groups in class cases filed and is also one of the top litigation groups with the most individual death and injury cases in the Country (Hilliard is the only litigation group that appears to have a few more injury and death cases than WGTT/MAT). These facts establish our commitment to our clients and this MDL. WGTT/MAT will provide the time, skill and expense in both class and individual cases to do the necessary trial work to prosecute these actions. At the very least, WGTT/MAT should serve on the Executive Committee to protect the interests of all death and injury claimants since our firms represent at

least 40 to 50 percent of all death and injury claims that are known at this time. WGTT/MAT has also filed class cases in two of the states where the majority of the recalled vehicles were sold (i.e., Texas and Ohio). WGTT/MAT has also secured the services of Charlie Miller and Mark Hood, the two experts that uncovered the ignition issues originally. Clearly, we have the experts, the desire and the experience to handle a leadership role in this MDL and respectfully request an appointment to the Executive Committee.

Dated: July 28, 2014

Respectfully submitted,

WELLER, GREEN, TOUPS & TERRELL, L.L.P.

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By: /s/ Mitchell A. Toups
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been furnished to all counsel of record listed below by e-mail; facsimile; overnight delivery; Regular Mail and/or Certified Mail, Return Receipt Requested on July 28, 2014.

/s/ Mitchell A. Toups
Mitchell A. Toups